

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

KEVIN DEESE, *et al.*,

Plaintiffs,

v.

LLOYD J. AUSTIN III,
Secretary of Defense, *et al.*,

Defendants.

Civil Action No. RDB-18-2669

JOINT STATUS REPORT

Plaintiffs and Defendants in the above-captioned matter, by undersigned counsel, provide this Joint Status Report.

1. The parties are continuing to await the Eastern District of Virginia's ruling in *Harrison, et al. v. Esper, et al.*, No. 18-CV-641 and *Richard Roe, et al., v. Esper, et al.*, No. 18-CV-1565. Both cases completed Summary Judgment briefing in late 2020, but no ruling has issued.

2. In October 2021, the parties conferred and agreed to a schedule whereby Defendants would file an answer to the amended complaint by November 15, 2021, and the parties would exchange and respond to written discovery requests, and to produce documents responsive to such requests by March 15, 2022 (ECF 83).

3. Following discussion between the Court and parties on November 3, 2021, the Court continued the stay until January 3, 2022.

4. On January 5, 2022, the parties informed Judge Bennett's chambers that they agreed the matter may remain stayed until February 4, 2022.

5. The parties have conferred again, and Plaintiffs seek to lift the stay and set a case schedule to govern further proceedings. Because Defendants understand that the reasons for which

the Court continued the stay in November 2021 remain applicable, Defendants believe that the stay should be maintained.

6. Plaintiffs respectfully request a telephonic conference with the Court to discuss this matter further. Defendants take no position on Plaintiffs' request for a conference. If the Court believes a telephonic conference would be helpful, Defendants respectfully request that the Court set the conference for no earlier than February 22, 2022, as counsel for Defendants have limited availability during the week of February 14 to February 18.

Dated: February 11, 2022

Respectfully submitted,

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**Signed by Claire A. Fundakowski
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CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2022, the foregoing document was electronically filed and served on all counsel of record through the Court's CM/ECF system, in accordance with the Court's electronic case filing policies and procedures.

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